

REMARKS

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests entry of the amendment and reconsideration of the claims in view of the remarks presented below.

Claims 1-3 and 5 have been cancelled. Claim 4 has been amended and new claims 8-13 have been added. Thus, claims 4 and 6-13 are pending in the application.

The subject matter of new claim 8 was essentially contained in cancelled claim 3. No new matter was added. The subject matter of new claims 9-12 can be found on page 9, lines 17-20 and page 10, lines 19-25 of the application as filed. Thus, no new matter was added.

Claims 1-3 were rejected under U.S.C. 102(e) as being anticipated by Gysling et al. (US 2002/0064206 A1). Claims 1-3 were cancelled.

Claims 4-7 were rejected under 35 U.S.C. 102(e) as being anticipated by Berg et al. (US 2004/0114463 A1). Applicant respectfully traverses these rejections in view of the amendments to the claims, as described below.

Claim 4 was amended to recite a processor programmed to analyze a characteristic of reflected light to determine the presence of sand within the production area of a well bore, and a means for reporting the presence of the sand to an operator. Berg et al. teaches a system for holding a seismic array within a well bore to provide a seismic survey of the well. Gysling et al. teaches a system for acoustically isolating a fiber optic temperature sensor.

There is no teaching or even a suggestion in either reference, taken alone or in combination, of providing a sensor in a producing area of the well to detect the presence of sand within the producing area of the well, as claimed in amended claim 4. Moreover, there is neither a teaching nor a suggestion in Berg et al, Gysling et al. or any of the other art of record, taken alone or in combination, of a means for reporting the presence of sand within the producing area of the well to an operator, as is also claimed in amended claim 4. For these reasons, Applicant respectfully submits that claim 4 as amended, and the claims dependent therefrom, are patentable

over the cited art and thus requests that the rejections be withdrawn and the claims remaining the application be allowed.

CONCLUSION

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicant requests that the Examiner contact Applicant's attorney, John Fitzgerald, at 310-242-2667.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425.

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Respectfully submitted,

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